

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

HUBERT SEATON,

Plaintiff,

v.

DEB KENISON, ANIMAL CONTROL
OFFICE, ANIMAL CONTROL
DEPARTMENT,

Defendants.

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CIVIL ACTION NO. 6:16-CV-01318-RWS

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Hubert Seaton, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 challenging the legality of a municipal citation he received for an illegal dog vaccination violation. This Court referred this matter to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the petition be dismissed because Seaton did not show that his conviction on the citation has been overturned, expunged, or otherwise set aside. *See Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994). A copy of the Magistrate Judge’s Report was sent to Seaton at his last known address with return receipt requested but has been returned as unclaimed. Plaintiff is a *pro se* litigant, and under the Local Rules of the Eastern District of Texas, *pro se* litigants must provide the Court with a physical address and are “responsible for keeping the clerk advised in writing of the current

physical address.” Local Rule CV-11(d). To date, Plaintiff has not updated his address with the Court or filed objections to the Report.

Having reviewed the pleadings and the Report, the Court agrees with the Magistrate Judge that Plaintiff has not shown that his conviction has been overturned, expunged by executive order, declared invalid in a state collateral proceeding, or called into question through the issuance of a federal writ of habeas corpus. Accordingly, this case should be dismissed until Plaintiff can make such showing. It is hereby

ORDERED that the Report of the Magistrate Judge (Docket no. 5) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITH PREJUDICE** until such time as Seaton can show that the conviction at issue has been overturned, expunged, or otherwise set aside. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 20th day of July, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE